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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,551	11/16/2001	Fuat J. Kerkinni	6627.02	4615
25763	7590	02/15/2005	EXAMINER	
DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT 50 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402-1498			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,551

Applicant(s)

KERKINNI, FUAT J.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 15-17 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 15-17 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119


- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


SAM RIMELL
PRIMARY EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-January -2005 has been entered.
2. The amendment filed on 10-January-2005 has been received and entered. Claims 1-11, 13-14, and 18-36 have been cancelled. Claims 37-40 have been newly added. Therefore, claims 12, 15-17, and 37-40 are pending

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12, 15-17, and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Markow (U.S. Patent No. 6,301,533 B1).

As to claim 12, Markow discloses a method for tracking usage information for automobile, the method comprising:

(a) electronically periodically soliciting from a client personal usage information and business usage information for the automobile (See column 6, lines 12-48, also see column 2, lines 36-63);

(b) electronically periodically receiving and storing in a server the personal usage information and business usage information for the automobile (See column 6, lines 12-48, also see column 2, lines 36-63);

(c) compiling total usage information (See column 1, lines 41-58); and

(d) generating a report for a reporting period by using the information received wherein the report provides details on total personal usage information and total business usage information for the reporting period (See column 3, lines 1-35);

wherein the act of electronically periodically receiving the usage information from the client further comprises providing separate fields for periodically entering at least one member of a group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See column 3, lines 21-25, also see column 4, lines 58-67, and see column 5, lines 19-45);

wherein the act of electronically periodically receiving the usage information from the client for the specified period further comprises electronically periodically receiving from the client at least one member of the group comprising the current total distance driven, the business distance driven, the personal distance driven, and the client personal credit (See column 3, lines 8-25);

wherein the act of generating the report further includes tabulating the current total distance driven, the total business distance driven, the personal distance driven, and the personal credit for a specified period (See column 3, lines 1-35, also see column 1, lines 41-58).

As to claim 15, Markow discloses a method for tracking usage information for automobile, the method comprising:

(a) electronically periodically soliciting from a client personal usage information and business usage information for the automobile (See column 6, lines 12-48, also see column 2, lines 36-63);

(b) electronically periodically receiving and storing in a server the personal usage information and business usage information for the automobile (See column 6, lines 12-48, also see column 2, lines 36-63);

(c) compiling total usage information (See column 1, lines 41-58); and

(d) generating a report for a reporting period by using the information received wherein the report provides details on total personal usage information and total business usage information for the reporting period (See column 3, lines 1-35);

wherein the act of generating the report further includes tabulating a current total distance driven, a total business distance driven, a personal distance driven, and a personal credit for a specified period (See column 3, lines 1-35, also see column 1, lines 41-58).

As to claims 16, and 37, Markow discloses wherein the act of generating the report further comprises reporting the usage information to the client upon demand (See column 3, lines

52-67, also see column 5, lines 46-67, wherein “upon demand” reads on “manual”).

As to claims 17, and 38, Markow discloses wherein the act of generating the report further comprises reporting the usage information to the client at regular business intervals (See column 3, lines 45-51, wherein “intervals” reads on “period of time”).

As to claim 39, Markow discloses wherein the act of electronically periodically receiving the usage information from the client further comprises providing separate fields for periodically entering at least one member of a group comprising a current total distance driven, a business distance driven, a personal distance driven, and a client personal credit (See column 3, lines 8-35).

As to claim 40, Markow discloses wherein the act of electronically periodically receiving the usage information from the client for the specified period further comprises electronically periodically receiving from the client at least one member of the group comprising the current total distance driven, the business distance driven, the personal distance driven, and the client personal credit (See column 3, lines 1-35, also see column 1, lines 41-58).

Response to Arguments

5. Applicant's arguments with respect to claims 12, 15-17, and 37-40 have been considered but are moot in view of the new ground(s) of rejection.

No arguments were submitted in the RCE Amendment field on January 10, 2005.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carmody, C., Scott (WO 94/28518) teaches keeping track of business, personal and commuting miles (See page 10).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
February 1, 2005


SAM RIMELL
PRIMARY EXAMINER

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